Nova Scotia Human Rights Commission
Annual Accountability Report for the Fiscal Year 2001/02

July 28, 2002

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Table of Contents

Accountability Statement 3

Message From CEO 4

I. Introduction 5

II. Progress & Accomplishments 6
Goal One 7
Goal Two 9
Goal Three 10

III. Financial Results 11

IV. Outcome Measures 11

Accountability Statement

The accountability report of the Nova Scotia Human Rights Commission for the year ended March 31, 2002, is prepared pursuant to the Provincial Finance Act and government policy and guidelines. These authorities require the reporting of outcomes against the Commission's business plan information for the fiscal year 2001/02. The reporting of outcomes necessarily includes estimates, judgments and opinions by management of the Commission.

We acknowledge that this accountability report is the responsibility of the Commission's management. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the Commission's business plan for year.

Hon. Michael Baker, Q.C.
Minister Responsible for the N.S. Human Rights Act

Mayann Francis
CEO

Message From the CEO

This document highlights the progress made towards achieving the vision of a more transparent and effective Nova Scotia Human Rights Commission. Among the elements of the vision for the Commission:

- Developing a strategic vision to carry the Commission into the 21st century.
- Expediting the processing of cases.

The Nova Scotia Human Rights Commission is an independent government agency charged with administering the Human Rights Act, a provincial statute created in 1969. I immediately began to develop a change management strategy after my appointment in August 1999 which will contribute to the renewal of the Commission. This strategy has included:

- Developing a clearer understanding of staff concerns.
- Drafting and implementing a backlog elimination and prevention strategy.
- Initiating an organizational review of the Commission's roles, responsibilities and structures.

The recommendations from the organizational review and the success of the backlog elimination plan will be critical for enabling the Commission to continue to meet its obligations.

The fiscal climate will continue to be tight into the foreseeable future. This will continue to challenge the staff of the Commission as they work to provide efficient and effective service to Nova Scotians. All government departments and agencies are being asked to work smarter with the resources they have on hand, while making strategic decisions about their budgets. The Commission has faced these same kinds of pressures, and has been attempting to adjust to this new fiscal climate. This means that the Commission must continue to produce creative solutions for maintaining effective services to the public.

In the next year, the Commission will begin to implement some of the results from its organizational review. The focus will remain on improving our efficiency and effectiveness as an organization.

I. Introduction

This document is based on the goals and priorities identified in the Commission's 2001/02 business plan. With that in mind, this report should be read in concert with the business plan which is available on the Commission's website at http://gov.ns.ca/humanrights/.

The report will outline the progress made towards achieving the goals and priorities with a particular focus on the core business areas of Race Relations and Affirmative Action and Investigation and Compliance. Despite numerous challenges during the 2001/02 fiscal year, the Commission was able to meet its budget targets. These challenges included an aggressive pilot to reduce the backlog of older cases, costs associated with a larger number of Boards of Inquiry, an important court ruling assigning costs to the Commission and an ongoing organizational review which was expanded to look at synergies between the Commission, the Office of the Ombudsman and other agencies, boards and commissions exercising similar mandates. The scope of the review was expanded in December 2000 when the Executive Director of the Commission was also appointed Ombudsman to oversee the review of that office.

The organizational review was begun by the Commission in July 2000 to look for more efficient and effective ways to deliver service to Nova Scotians. This was the first comprehensive review of the Commission in more than 30 years. Praxis Research was contracted to undertake research on mandate issues as part of Phase One of the review. That research culminated with the publication of the discussion paper, "Moving Forward With Human Rights in Nova Scotia", in February 2001. Following the release of the paper, Praxis conducted a series of public consultations around the province during April and May 2001 which gathered input on the issues identified in the report. Results of these consultations were used as the Commission moved into Phase Two of the organizational review.

At the same time, and at the request of the provincial government, Praxis also consulted with the African Nova Scotian community to gather their feedback on the recommendations of the ***1996 Task Force on Provincial Government Services to the Black Community*** and the March 2000 response to that report of an interdepartmental committee chaired by the Department of Community Services.

In April 2001, the consulting firm Grant Thornton was contracted to conduct Phase Two of the review which examined roles, responsibilities and structures of the Commission and the Office of the Ombudsman and looked for possible synergies between the two organizations and other agencies, boards and commissions. Their draft final report was provided to the provincial government in August 2001.

In February 2002, the provincial government announced it was accepting the findings of the draft final report to maintain the independence of the Ombudsman and hoped to have a permanent Ombudsman in place by summer 2002. The provincial government has not made decisions on the other recommendations contained in the draft final report but did indicate that the Commission could continue to work with Grant Thornton to identify process improvements to enhance its service to the public. It is anticipated that during the 2002/03 fiscal year, the Commission will implement the process improvements identified by Grant Thornton.

During 2001/02, the Commission continued to take proactive steps to educate the public about human rights issues and to take a leadership role in the promotion of an open society which embraces the many different backgrounds, beliefs and dreams of Nova Scotians. Major events were held in December 2001 to mark International Human Rights Day. The Executive Director delivered a keynote address in Digby to commemorate that special day, while events took place simultaneously in Halifax and Sydney. The 6th annual Harmony Brunch was held in Halifax to celebrate the International Day for the Elimination of Racial Discrimination on March 21, 2001. And a variety of partnerships with community groups, other government departments and agencies and local businesses enabled the Commission to hold its third annual public forum, mark the first "Day of Reflection on the Spirit of Community" with her Honour Myra Freeman, Lieutenant Governor of Nova Scotia, and assembled faith leaders and to host two workshops with Trevor Wilson, an internationally recognized business strategist and consultant.

Within its limited resources, the Commission was able to provide an ongoing program of workshops and training for its investigation staff. The training was targeted at emerging issues in the human rights field and was designed to enhance the effectiveness of staff on the job. This training was matched with the pilot program to reduce the backlog of older cases. As of March 2002, 90% of the Commission's cases were less than two years old; a major turn around.

In the following pages, information will be provided to report against the specific goals and priorities identified in the 2001/02 business plan.

II. Progress & Accomplishments

In its 2001/02 business plan, the Commission established the following goals:

1. To promote the Commission as a credible and effective organization through better program delivery, improved service to the public and enhanced partnerships with other organizations.

2. To provide timely, efficient and effective investigations and resolution of human rights complaints by further streamlining the investigation process and by focusing, where possible, on early interventions and conciliation.

3. To help foster the development of a more equitable society and fair workplaces which are supportive of the goal of diversity for all Nova Scotians by pro-actively addressing discrimination in all its forms.

What follows is a brief report on major initiatives undertaken to achieve the priorities set under these goals.

Goal One: **To promote the Commission as a credible and effective organization through better program delivery, improved service to the public and enhanced partnerships with other organizations.**

- Completion of Phase One of the organizational review with the release of the discussion paper followed by a limited public consultation process to gather feedback on the issues/options/questions identified in the document.
  - The discussion paper, "Moving Forward With Human Rights in Nova Scotia", was released in February 2001 through the Commission's website and full deposit libraries around the province. Targeted consultations were held in Halifax-Dartmouth, Indian Brook, New Glasgow, Sydney, Shelburne, Kentville, Amherst, Baddeck, Yarmouth, Digby and Truro. A facilitators report was released in August 2001 and is available on the Commission's website.

- Provide a model(s) for the consideration of the Provincial Government from Phase Two of an organizational review of the roles, responsibilities and structure of the Commission and the Office of the Ombudsman.
  - A draft final report from Phase Two was provided to the provincial government in late August 2001. To date no decisions have been made on the recommendations in the draft final report except to maintain the independence of the Ombudsman.

- Meet with Mi'kmaq and other aboriginal communities to explore options for improving the services the Commission offers to these communities.
  - An aboriginal advisory committee was established to assist the Commission in the development of a framework for its interaction with the aboriginal community. Representatives of First Nations communities and off-reserve populations accepted membership on the committee. The departure of the Aboriginal Human Rights Officer in Fall 2001 prevented the committee from moving forward with its work as

quickly as had been anticipated. The position has not yet been restaffed, but it is expected a new incumbent will be recruited during Fall 2002.

- Continue involvement with government, institutional and community partners to further develop linkages and forums for discussion and change.
  - A luncheon in July 2001 and a half-day workshop in October 2001 were held with business consultant Trevor Wilson. The Commission cooperated with Crossley Carpets of Truro to present both events.
  - On December 10, 2001, the Commission sponsored the 6th annual Harmony Brunch for International Human Rights Day at the Dartmouth Sportsplex. The event was organized and sponsored by Partners Against Racism (PAR), a committee of community and business people who volunteer time and resources. In the afternoon, a workshop session sponsored by Canadian Heritage at the Sportsplex, encouraged participants to identify ways to combat hate and intolerance in the wake of September 11th.
  - International Human Rights Day was also marked in Digby, where the theme was "We All Look the Same in the Dark" and the Executive Director delivered the keynote address. The event was coordinated by staff and students at Digby Regional High School.
  - Membership in the PAR committee increased.
  - Community Advocates for Rights With Responsibilities (CARR) developed a presentation tool and conducted workshops in public schools about the effects of hate literature.

- Continue communication initiatives aimed at increasing the Commission's public profile.
  - Press releases were issued for all major events, as well as to announce settlement agreements for Boards of Inquiry.
  - A public forum, "September 11th: What Does It Mean For Each of Us?" was held in February 2002 with the participation of Lester Pearson International at Dalhousie University. Immigration and public safety issues in the post-September 11th world were addressed by a panel of experts.
  - Faith leaders gathered at Province House on November 9, 2001 to mark a "Day of Reflection on the Spirit of Community". Her Honour Myra Freeman, Lieutenant Governor of Nova Scotia, proclaimed the day and a resolution was passed in the legislature to mark the occasion.
  - The Commission's website continued to be developed as a tool for communicating with the public.
  - Three Op Ed pieces were published by the Chairperson and the Executive Director.
  - The Executive Director was featured as the Fall 2001 cover story for the Saint Mary's University Maroon and White alumni magazine.

- The Executive Director and Chairperson presented to the Senate Committee on Human Rights in November 2001.

- Develop a detailed client service plan for handling public enquiries.
  - A schedule was developed for response to public inquiries which set a same-day response as a benchmark.
  - An intake package was created to provide information on the complaint process and a form to assist members of the public to provide details of their issues to the Commission. This package is sent to everyone who wishes to pursue a complaint with the Commission and will continue to be reviewed and developed based on feedback from the public.

- Develop a Code of Ethics for Commission staff.
  - Staff received orientation to the provincial government's Code of Conduct for Civil Servants.

Goal Two: **To provide more timely, efficient and effective investigations and resolution of human rights complaints by further streamlining the investigation process and by focusing, where possible, on early interventions and conciliation.**

- Review and update complaint handling process to ensure current caseload management while the Commission awaits results of its organizational review.
  - Successful elements of the pilot project to reduce the backlog of older cases were built upon with internal resources prioritized to improve support to the Investigation Division.

- Recruit and support the work of an aboriginal human rights officer to explore and aboriginal framework for alternative dispute resolution mechanisms which would open access to Commission services for Mi'kmaq and other aboriginal communities.
  - An Aboriginal Human Rights Officer was recruited in Fall 2000 and work on a framework and the creation of an aboriginal advisory committee begun. Further work has been on hold since the departure of the Aboriginal Human Rights Officer in Fall 2001. Restaffing of the position is anticipated during Fall 2002.

- Installation of a computer database for more effective tracking of human rights complaints as soon as organizational review is completed.
  - This system will be implemented after the results of the organizational review have been received.

- Review administrative guidelines for interventions and conciliations with input of Race Relations and Affirmative Action Division to further improve process
  - Guidelines were developed in Fall 2001 with orientation for staff following.
  - An internal conflict of interest policy for staff was developed in Fall 2001.

Goal Three: **To help foster the development of a more equitable society and fair workplaces which are supportive of the goal of diversity for all Nova Scotians by pro-actively addressing discrimination in all its forms.**

- Continue development of processes to address systemic discrimination such as development of monitoring of workplace affirmative action agreements.
  - A checklist for systemic issues was developed by the Investigation and Race Relations Divisions to assist investigation staff.
  - The Executive Director mandated a review of all affirmative action agreements.
  - An affirmative action assessment survey was sent to all parties to affirmative action agreements with the Commission.
  - The Race Relations Coordinator continued to provide advice and support for the monitoring of current affirmative action agreements and the development of new agreements.
  - Investigation staff attended two workshops on systemic discrimination offered by the Race Relations Division.

- Continue policy research and development in partnership with external organizations in emerging areas of human rights.
  - Research on emerging issues was carried out which examined spousal identity complaints, age-based complaints, duty to accommodate issues, etc.
  - The Commission's policy compendium was reviewed by legal counsel with recommendations for change and improvement made to the Executive Director.
  - An ongoing training schedule with external pro bono facilitators was developed for investigation staff.
  - Orientation for new commissioners was completed in Fall 2001.
  - Commissioners received training on lesbian, gay, bisexual and transgendered issues in Fall 2001.

- Continue promotion of the Commission as a source of information and resources on human rights issues and compliance with the Act for employers and employees in the public, private, educational and not-for-profit sectors.

- A minimum of one training session a month was facilitated by the Race Relations Coordinator with evaluations of training indicating a consistently high rate of satisfaction.
- A new Human Rights Guide for Employers was published.

III. Financial Results

The Commission's budget for 2001/02 was $1.614 million. The Commission finished under budget by $30,000. During the course of the fiscal year a number of pressures were managed. These included the completion of Phases One and Two of the organizational review, an increased number of Board of Inquiry and the associated legal costs for those boards. All of these pressures were able to be handled within the existing budget envelope of the Commission.

IV. Outcome Measures

These were not required for this fiscal year. Outcome measures will be reported for the 2002/03 accountability report.